

**Court of Appeals, State of Michigan**

**ORDER**

Lee Fritzinger v Lisa K Fritzinger

Docket No. 297596

LC No. 02-900594-DM

Joel P. Hoekstra  
Presiding Judge

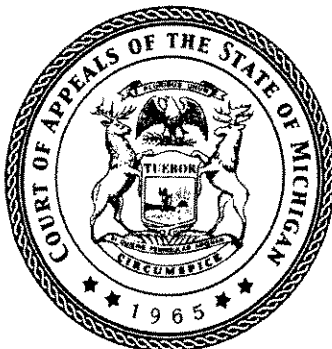
Michael J. Talbot

Douglas B. Shapiro  
Judges

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The Court, acting under MCR 7.203(F)(2), orders that the motion for reconsideration is DENIED. Appellant has not established that the April 6, 2010 postjudgment order is a final order under MCR 7.202(6)(a)(i) because she has not shown that the April 21, 2004 judgment of divorce was not the actual final order under MCR 7.202(6)(a)(i). Accordingly, appellant has not shown that the April 6, 2010 order was the *first* order disposing of all claims as required for it to be a final order under MCR 7.202(6)(a)(i). Contrary to appellant's position, a postjudgment order disposing of a new issue arising after the entry of an initial final order under MCR 7.202(6)(a)(i) cannot constitute an additional final order under MCR 7.202(6)(a)(i). Such a conclusion would render MCR 7.202(6)(a)(iii) to be mere surplusage because there would be no need for its special definition of a postjudgment order in a domestic relations action affecting the custody of a minor to be a final order if any postjudgment order regarding a new issue could be considered a final order under MCR 7.202(6)(a)(i). See, e.g., *Snyder v Advantage Health Physicians*, 281 Mich App 493, 501; 760 NW2d 834 (2008) (a court rule will not be interpreted to render any language surplusage).

Shapiro, J., would grant the motion.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUL 21 2010

Date

*Sandra Schultz Mengel*  
Chief Clerk